

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ASPEN COMPOSERS' CONFERENCE,

Civil No. 12-767 (JRT/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

LIBRARY OF CONGRESS,
CATALOGING IN PUBLICATION
DIVISION,

Defendant.

Natalie Synhaivsky, 5505 Brookview Avenue, Edina, Minnesota 55424, for plaintiff.

Bahram Samie, Gregory G Brooker and Mary J Madigan, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, Minnesota 55415, for defendant.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge Steven E. Rau. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Library of Congress's Motion to Dismiss (Mot. to Dismiss) [Doc. No. 23] is **GRANTED**;

2. Plaintiff Aspen Composers' Conference Motion for Summary Judgment (Mot. for Summ. J.) [Doc. No. 29] is **DENIED**;

3. To the extent the Complaint asserts claims under the First Amendment, they are **DISMISSED WITH PREJUDICE**; and

4. To the extent the Complaint asserts claims under the Commerce Clause, they are **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: July 12, 2013
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge